United Nations CRC/C/KGZ/Q/3-4/Add.1

Convention on the Rights of the Child

Distr.: General
28 April 2014
English
Original: English/Russian
English and Russian only

Committee on the Rights of the Child
Sixty-sixth session
26 May–13 June 2014
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the combined third and fourth periodic reports of Kyrgyzstan

Addendum

Replies of Kyrgyzstan to the list of issues*

[Date received: 27 March 2014]

Additional, updated information in connection with the consideration of the combined third and fourth periodic reports of the Kyrgyz Republic on the implementation of the Convention on the Rights of the Child

Part I

Reply to the issues raised in part I, paragraph 2, of the list of issues (CRC/C/KGZ/Q/3-4)

1. With a view to the implementation of the New Generation programme, the Children's Code was adopted in 2006; the Code sets out the legislative issues with respect to the realization and protection of the rights and legitimate interests of children, along with the tasks of central and local government bodies in that regard. The Presidential Decree on protecting and supporting children during the period 2007–2008, signed on 30 August 2007, contains urgent measures to protect children's rights and addresses issues relating to the prevention of child neglect, the worst forms of child labour and juvenile delinquency.

* The present document is being issued without formal editing.

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2. Family and child welfare offices and commissions on children's affairs have been set up within 57 district administrations and local executive and administrative bodies across the country pursuant to Government Decision No. 285 on the matter, adopted on 10 June 2008.

3. The Government Social-Sector Procurement Act of 21 July 2009 sets out the general principles and the legal and organizational framework for the drawing up, attribution and execution of government contracts for the delivery of social programmes.

4. The State programme of action to eliminate the worst forms of child labour 2008–2011 was adopted in 2008; pursuant to the programme of action, measures were carried out to protect the rights of working children.

5. As part of the efforts to implement the New Generation programme, the Nutrition in General Education Schools Act (No. 111 of 27 June 2002) was adopted in order to ensure a complete and balanced diet for children studying in grades 1 to 4. In addition, regulations on nutrition in State and municipal general education schools (No. 673 of 18 September 2006) were approved.

6. In 2009, the National Centre for Maternal and Child Welfare was established.

7. The Interdepartmental Action Plan on the Reform of the Child Protection System and the Development of Social Services 2009–2011 was approved by Government Order No. 613-r of 19 October 2009 with a view to regulating issues relating to child protection, prioritizing child welfare and reducing child poverty. During the period 2009–2011, the Government of Kyrgyzstan, ministries, local agencies of the State and local government bodies undertook work to improve the situation of children in the country.

8. Implementation of the Social Protection Development Strategy 2012–2014, the purpose of which is to protect the rights of the child and provide children with social assistance, has been under way since 2011. The Strategy, approved by Government Decision No. 755 of 13 December 2011, contains comprehensive social protection measures aimed at safeguarding the rights and legitimate interests of children and families in difficulty.

9. The main goals of the Strategy are to increase access for families and children who find themselves in difficult circumstances to State social payments and guaranteed social services oriented towards providing children with a family environment.

10. At the initiative of the Ministry of Social Development, Kyrgyzstan became a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, adopted on 29 May 1993, by Act No. 166 of 10 August 2012 on ratification of the Convention.

11. The Children's Code (No. 100) was adopted on 10 July 2012. Article 37 of the Code stipulates that children who have been orphaned may be sent to residential institutions only on the decision of a court, as an exceptional measure, when placement in a family is not possible, thus strengthening State oversight of residential placements.

12. Minimum standards for the care, upbringing and socialization of children in institutions providing social services to children in difficult circumstances were approved by Government Decision No. 69 of 9 October 2012 on standards in respect of social services for families and children and institutions providing social services to children in difficulty.

13. Social protection measures for children in conflict with the law are being developed and fine-tuned. A rehabilitation programme for such children was approved by Ministry of Social Development Order No. 70 of 17 May 2012. A pilot of the programme has begun in district and municipal departments for social development.

14. The Ministry of Education and Science increased the quotas for the admission of orphaned children to higher education institutions at State expense.

15. Regulations for social workers were approved by Government Decision No. 157 of 29 February 2012 on the matter, thus making social services personnel more accountable.

Reply to the issues raised in part I, paragraph 3, of the list of issues

16. In accordance with the financial plan for implementing the Social Protection Development Strategy 2012–2014, some 8,831.7 billion soms has been provided to meet the additional resource requirements for the social protection of children and families in difficulty, the development of social services for these groups, including at local level, and their socialization and integration.

17. As at 1 January 2014, 411,000 persons were receiving State allowances, 1 per cent fewer than in 2012 (414,800 persons). The number of persons in receipt of the monthly allowance for low-income families with children stood at 336,200, a reduction of 2.1 per cent compared with the same period the previous year. The average amount of the allowance increased by 5.1 per cent, to 487.4 soms. Since 1 November 2013, the guaranteed minimum income has increased from 580 to 640 soms, or by 10.3 per cent.

18. Some 1,066.9 million soms was earmarked in 2013 for the payment of monthly social allowances to children with special needs and some 190.0 million soms for payments to orphaned children.

19. In 2013, a sum of 46.4 million soms was provided from the national budget for the maintenance of three social residential institutions for children with psychoneurological conditions.

20. Local government bodies are establishing community centres in the areas under their jurisdiction for the conduct of the work of elders' (*aksakal*) courts and women's councils. Special premises have been set aside for the centres, or where necessary purpose-built and furnished with supplies and equipment. To date, more than 500 community centres have been opened. These centres are funded from local budgets. Thus, in 2013, in the Ak-Suu district of Ysyk-Köl province, local government bodies allocated 96,000 soms from the local budget for centres in 11 rural communities, along with seven hectares of land for elders' courts. In eight months in 2013, these centres drew up reports of 1,012 offences, as well as carrying out preventive work. In Mailuu-Suu, in 2012, funds were allocated from the local budget for the opening of the Rakhat Centre, a 15-place adaptation facility for children without parental care and children from dysfunctional families. The centre safeguards such children and provides them with social, legal, psychological, educational and medical assistance, and devises plans to make parents more responsible for the upbringing of their children, along with measures for the plans' implementation.

Reply to the issues raised in part I, paragraph 4, of the list of issues

21. In 2012, the following laws were adopted: the Children's Code (No. 100 of 10 July 2012) and the Act of 10 August 2012 on ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, adopted on 29 May 1993.

22. In order to bring the country's laws and regulations into line with the Children's Code, the Ministry of Social Development drafted and approved 22 texts, which were ratified by the Government.

23. The Code of Administrative Liability was amended by Act No. 203 of 21 December 2012 to increase the penalties for parents who fail to fulfil or neglect their responsibilities for the upbringing and education of their children.

24. The penalties for offences against the sexual inviolability of minors were also increased with the adoption of Act No. 126 of 9 July 2013 amending the Criminal Code.

Reply to the issues raised in part I, paragraph 5, of the list of issues

25. Kyrgyz legislation provides for civil and criminal liability for violence against and ill-treatment of children.

26. In accordance with articles 11, 13, 18 and 28 of the Health Protection Act, local health-care facilities, within the limits of their competence, provide victims of violence with medical assistance, and where necessary specialized medical assistance, at all levels of the health-care system (outpatient, inpatient).

27. Since the health-care system is one of the first State structures to which victims of violence turn, since 2005 the Ministry of Health, within the limits of its competence, has collected data on the number of victims of violence in the country. With a view to the implementation of the national reproductive health-care strategy, the Ministry issued Order No. 417 of 23 November 2007 on annual statistical reporting by medical institutions concerning domestic violence. A form for registering victims of violence and collecting data on victims of domestic violence has been approved for use in health-care facilities, and each case is reported to the law enforcement agencies without delay.

28. According to data from the Ministry of Health's National Mental Health Centre, in the period from April 2012 to July 2013, 44 forensic psychological and psychiatric examinations of children were conducted at the Centre: 9 in civil cases and 35 in criminal cases. The latter cases, in which the children had been subjected to violence (sexual, physical or mental), included 1 case in which a child diagnosed with "mental retardation" (International Classification of Diseases (ICD) F70) had been held in slavery for a year in Chüy province and 2 cases in which child victims of violence received an F70 diagnosis. In 32 cases involving non-disabled children subjected to sexual violence, the victims subsequently developed post-traumatic stress disorder. No other cases of exploitation, violence or ill-treatment involving children with special needs were recorded at health-care facilities.

29. Medical care is provided to all victims of violence, including children subjected to various kinds of violence, pursuant to the programme of State guarantees relating to the provision of medical and health care, which is reviewed each year and approved by a decision of the Government.

30. In accordance with their workplans, district and municipal departments for social development are taking steps to identify dysfunctional, asocial families, children in difficulty, children subjected to ill-treatment or criminal behaviour and children not attending school. They also conduct spot checks to prevent offences and criminal behaviour by minors.

31. For the purpose of creating a safe learning environment in general education schools in Kyrgyzstan, pursuant to the memorandum on cooperation in implementing the Schools without Violence programme, a pilot of the programme has been carried out since 2011 by the Ministry of Social Development, together with the United Nations Children's Fund (UNICEF), the Office of the Ombudsman (Akyikatchy), the Ministry of Internal Affairs, the Ministry of Education and Science, the Ministry of Health and the Ministry of Labour, Migration and Youth.

Reply to the issues raised in part I, paragraph 6, of the list of issues

32. Under article 61 of the Family Code, if a child's rights and legitimate interests are violated, including through non-fulfilment or inappropriate fulfilment by the parents (or persons in loco parentis) of their duties in respect of the child's upbringing and education or abuse of parental rights, the child is entitled to appeal, in his or her own right, for the protection of those rights and legitimate interests to the local unit of the State agency responsible for child protection and, on reaching the age of 14 years, to a court. Officials of organizations and other citizens who become aware of a threat to the life or health of a child or of a violation of his or her rights and legitimate interests are obliged to notify the local unit of the State child protection agency in the place where the child is physically located, which, on receiving such information, must take the necessary protection measures.

Reply to the issues raised in part I, paragraph 7, of the list of issues

33. The implementation of the Regulations on foster families, approved by the related Government Decision (No. 670 of 1 October 2012), will make it possible to guarantee the right of children without parental care and children in difficulty to live and be raised in a family environment. Children's views are taken into account when they are placed with foster families. Children aged 10 years and over may not be placed without their consent.

34. Some 2.0 million soms has been earmarked in the Ministry's budget for 2014 to implement the Government Decision on foster families. It is planned to assess 11 foster families with a view to the subsequent placement of 11 children.

35. At the initiative of the Ministry, a plan to optimize the management and financing of children's residential institutions in Kyrgyzstan, covering the period 2013–2016, was approved by Government Decision No. 813 of 7 December 2012. The aim of the plan is to provide children without parental care and children in difficulty with effective State care based on the realization of their right to live and be raised in a family environment, to reduce the number of children in residential institutions, to reduce the number of such institutions, to develop the system of alternative family structures and to provide quality social services.

36. The Ministry of Health administers three children's homes offering a total of 270 places: the Bishkek specialized children's home, with 120 places; the national specialized children's home for children with central nervous system and psychiatric disorders, which has 100 places; and the Osh children's home, with 50 places.

37. The Bishkek specialized children's home is a rehabilitation and education facility of the health-care system for orphaned children, children without parental care and children with intellectual or physical developmental defects aged 0–4 years. In 2000, 25 of the existing places were set aside to establish, within the home, a family resource centre with a day-care unit for non-disabled children and children with special needs, and a family counselling department. The family resource centre is open to children from dysfunctional families.

38. The national specialized children's home in Tokmok is intended for children with central nervous system and psychiatric disorders. The Aidanek family resource centre functions within the home; it has a day-care unit for children with disabilities, which receives children aged 3–10 years, and a family counselling department.

39. The Osh specialized children's home is a rehabilitation and education facility of the health-care system for children without parental care and children with intellectual or physical developmental defects aged 0–4 years.

40. Family resource centres have been established within children's homes for children whose parents wish to abandon them on account of their disabilities or behavioural disorders. The children are sent to the centres for a given period or for day care until the parents are in a position to look after them. The number of abandoned children in children's homes is falling as a result of the preventive work conducted with parents.

41. There is also a mother and child centre at the Osh children's home, which can accommodate five mothers and their children living in difficult circumstances.

Reply to the issues raised in part I, paragraph 8, of the list of issues

42. There are 14 social residential institutions administered by the Ministry of Social Development, including 2 for children with psychoneurological diseases; these facilities provide services to 2,301 persons, including 361 children. In order to establish normal living conditions for service recipients residing in these institutions and ensure that their minimum physiological needs are met, the nutritional standard has been raised to 100 soms for adults and 110 soms for children. An amount of 39,553,000 soms was provided in the 2014 national budget for this purpose. In the residential homes for children with psychoneurological diseases, children are separated by age and physical and intellectual condition.

Medical supervision of residential schools and care institutions in 2010–2011

Year	*Total number of facilities supervised*	*Number of facilities inspected*	*Number of inspections*	*Number of inspections carried out by doctors*	*Number of inspections involving instrument readings and laboratory testing*
2010	105	105	403	215	250
2011	105	105	422	227	269

Reply to the issues raised in part I, paragraph 9, of the list of issues

43. In accordance with the Housing Code (No. 117 of 9 July 2013), children with special needs who live in residential social-care institutions and are expected, according to their individual rehabilitation programmes, to be able to care for themselves and lead independent lives on reaching 18 years of age, as well as orphaned children and children without parental care, are provided with housing on a priority basis on leaving educational or other institutions, including social-care institutions and children's homes.

44. In order to regulate the protection and safeguarding of the property rights of children without parental care and children living in special institutions, along with the mechanism for opening personal accounts for such children, the Ministry drafted the Regulations on tutorship and guardianship and the Regulations on the procedure for placing children outside their families, which were approved by Government Decision No. 522 of 24 September 2013.

Reply to the issues raised in part I, paragraph 10, of the list of issues

45. Kyrgyzstan became a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, adopted on 29 May 1993, by Act No. 166 of 10 August 2012 on ratification of the Convention.

46. The Regulations on the procedure for adoption by Kyrgyz and foreign nationals of children without parental care, approved by Government Decision No. 521 of 27 August 2011, govern issues relating to adoption.

47. To ensure that procedures are in place for the adoption of children of Kyrgyz nationals by foreigners, as stipulated in the Children's Code, monitoring of adoptions of children from care institutions, residential institutions, maternity homes and children's homes has been stepped up, as has supervision of the work of family-type children's homes and rehabilitation centres.

Reply to the issues raised in part I, paragraph 11, of the list of issues

48. In accordance with article 37 of the Children's Code, placement of children with special needs in residential schools for children with speech, visual or hearing impairments or in residential homes for those with psychoneurological diseases is carried out by the agencies with responsibility for these facilities on the basis of the findings of a psychological, medical and educational board.

49. Placement of children with special needs in the specialized children's homes of the Ministry of Health is regulated by the instructions on the organization of work with abandoned children in health-care facilities, as provided for by Ministry of Health Order No. 307 of 31 May 2013 approving the rules on adoption and tutorship of children without parental care by Kyrgyz nationals permanently resident in Kyrgyzstan, Kyrgyz nationals residing outside Kyrgyzstan and foreign nationals.

50. In 2013, four children died in the specialized children's home in Tokmok, one of whom was aged under 1 year (the figures for 2012 were four and two, respectively). The deaths were due to severe developmental defects of the internal organs and brain not compatible with life.

51. There were no deaths among children in the care of the remaining children's homes administered by the Ministry of Health. The conduct of post-mortem examinations on children who die in care is mandatory, in accordance with the Joint Order of the Ministry of Health (No. 28 of 26 May 2010) and the State Social Welfare Agency reporting to the Government, now the Ministry of Social Development (No. 120 of 20 May 2010).

52. The directors of residential homes within the social development system must follow the Regulations on the conduct of post-mortem examinations, approved by Ministry of Health Order No. 492 of 14 November 2005, according to which they are required to deliver the bodies of children who die in care to the closest medical facility with a pathologist on the staff. The directors of the medical facilities, in their turn, take urgent measures to organize the post-mortem examination under the standard arrangements, that is on a free-of-charge basis.

53. The main law defining State policy on persons with special needs, including children, and establishing State guarantees and benefits for such persons, is the Act on rights and guarantees for persons with special needs. This law is intended to create the necessary conditions for such persons to lead fuller lives and become more integrated in society.

54. Inclusive education is a successful means of achieving social integration of children with special needs. International experience has demonstrated that inclusive education, beginning in early childhood, helps persons with special needs to integrate into society and helps society to meet their needs.

55. At present, there are 15 residential schools within the education system for children with special needs. Some 2,490 pupils with intellectual or physical developmental defects

are enrolled. There are 4 special schools for children with intellectual developmental defects (3 in Bishkek and 1 in Osh), attended by 520 pupils aged 7–18 years, and 15 special preschool facilities with 1,596 preschool-age pupils. As a result of the introduction of inclusive education, more children with special needs are enrolled in preschools and schools. More than 2,000 preschool-age children and more than 3,700 school-age children are studying in inclusive education programmes. Local government bodies, school communities including teachers, head teachers, parents and children with special needs, local communities and authorities are acquiring an ever greater understanding of the role of inclusive education, the ideology underpinning it and the importance of teaching and educating children with special needs in the general education system, that is including them in mainstream schools. Parents and teachers recognize that children's right to education is paramount and are trying to become personally involved in the development and instruction of these children in both kindergartens and schools, as well in homeschooling. Inclusive education is becoming an important element in ensuring a dignified life for children who, in the past, did not have the opportunity to attend school or receive an effective, up-to-date education commensurate with their current level of development.

56. In 2009, with technical assistance from the Asian Development Bank under a project to increase access to quality basic education for children with special needs, 40 pilot educational facilities were selected in seven regions for the inclusion of children with special needs in the educational process.

57. To date, all the pilot schools (35 general education schools, 3 auxiliary schools and 2 kindergartens) have produced inclusive development plans, and the teachers have prepared individualized study plans for children with special needs being educated in classes in mainstream schools. Drafting these plans was the most challenging part of the exercise for the teachers. Sessions were organized with visiting experts from psychological, medical and educational guidance centres, and post-training monitoring (mentoring) was conducted following the teachers' attendance at inclusive education seminars, during which mentors helped the teachers to prepare the individualized plans. Multiple mentoring sessions took place at all the pilot schools.

58. Particular attention is paid to the work of the psychological, medical and educational guidance centres, which involves assessing children's difficulties in mastering learning skills, directing them to the appropriate preschool facilities, counselling parents and developing recommendations for further work with the children. All guidance services work in close cooperation with education departments, health-care facilities, social welfare agencies and the educational facilities concerned.

59. As at 1 March 2011, there was one National Psychological, Medical and Educational Guidance Centre, as well as six centres at province level and nine in districts and municipalities. Only the National Centre and the centre in Bishkek operate continuously and are paid for their services; the remaining centres provide services on a voluntary basis twice yearly (at the beginning and end of the school year). In 2010 and 2011, the National Centre and the Bishkek centre alone issued 2,629 recommendations in respect of preschool-age and school-age children. In addition to its general functions, the National Centre also plays a coordinating and supervisory role, which entails considering difficult or disputed cases on the basis of documentation submitted by province, district or municipal centres.

60. An inclusive education resource centre opened at the National Psychological, Medical and Educational Guidance Centre has been functioning successfully under the auspices of the Ministry of Education and Science since 2004. This centre conducts seminars, training and lectures for national trainers and experts in special and inclusive education and provides methodological assistance to teachers from general education schools on inclusive education issues.

Reply to the issues raised in part I, paragraph 12, of the list of issues

61. The National Centre for Health Promotion is implementing the Safety Route programme, under which the country's schoolchildren receive instruction on issues relating to reproductive health and primary prevention of HIV and drug addiction; this instruction has been provided since 2009 to pupils studying in rural schools in grades 9 to 11. In 2011, the programme was revised to incorporate additional information on preventive measures with respect to HIV and psychoactive substances.

62. In 2013, the Ministry of Health council of experts approved a manual entitled *A Healthy Way of Life*, which sets out a basic curriculum for general education schools in Kyrgyzstan covering physical education, personal hygiene, sensible eating, avoidance of antisocial habits, positive thinking and observance of standards of morality and socially accepted behaviour. The manual envisages classes devoted to the promotion of healthy living, the prevention of HIV infection and drug abuse, and the development of responsible behaviour. There is also a model lesson plan for such classes. The manual is intended for form teachers in educational facilities.

Reply to the issues raised in part I, paragraph 13, of the list of issues

63. According to data from the National Statistics Committee, there are 2,204 general education day schools in Kyrgyzstan, attended by 1,015,172 pupils, including 125 primary schools, 202 basic schools, 1,857 secondary schools and 20 schools for children with special needs.

64. As part of the efforts to implement Government Decision No. 596 of 30 August 2012 ratifying the Government programme and plan of action to counter corruption 2012–2014 and Government Order No. 103-r of 28 March 2013, the Ministry of Education and Science has approved a set of measures for the implementation of the Government's anti-corruption action plan.

65. Pursuant to Decision No. 278-V of the Committee of the Zhogorku Kenesh, the parliament of Kyrgyzstan, of 14 February 2013 on the implementation of the Education Act, which concerned the activities of boards of trustees of State educational facilities (arts. 38, 44-1, 44-2 and 44-3), the heads of the education departments in the Bishkek and Osh mayor's offices and of district and municipal education departments, along with the directors of educational facilities, are required to ensure strict compliance with the requirements of the laws and regulations of Kyrgyzstan on access to education and free education. The conduct of any kind of entrance test for pupils in grade 1 and the charging of "admission fees" on enrolment at State or municipal educational facilities, including by voluntary or charitable foundations or boards of trustees, are categorically prohibited, as are the soliciting of compensation in cash or in kind for unfinished summer work placements in schools and the organization by parents of collections for gifts intended for State or municipal educational facilities or their directors, form teachers, teachers or other education workers.

Reply to the issues raised in part I, paragraph 14, of the list of issues

66. Article 23 of the Constitution of the Kyrgyz Republic prohibits the exploitation of child labour.

67. In accordance with the Children's Code, it is prohibited to use or recruit children to perform any work that may endanger their health, hinder their education or damage their health or physical, intellectual, spiritual, moral or social development.

68. Article 294 of the Labour Code prohibits the use of the labour of persons aged up to 18 years in harmful and/or dangerous conditions and underground, as well as in forms of employment that could damage their health or moral development (the gaming industry, work in nightclubs and cabarets, the production, transportation of or trade in alcoholic beverages, tobacco goods, drugs or toxic preparations). It is prohibited for workers aged up to 18 years to carry or move loads exceeding the limits laid down for them. Furthermore, under article 95 of the Code, the length of the working day (shift) may not exceed the following norms: for workers aged 14–16 years, five hours; for workers aged 16–18 years, seven hours; for pupils in general education schools and in primary and secondary vocational training institutes who are combining work and study during the school year, for those aged 14–16 years, two and a half hours, and for those aged 16–18 years, three and a half hours.

69. To date, no official statistics have been compiled on the use of child labour, nor does the Ministry of Health have a database tracking the phenomenon. There is, however, some information on the reasons for the use of child labour.

70. At present, child labour is widely used in agriculture, in loading and unloading work, at trading establishments and at vehicle servicing points.

71. The Business Inspections Act (No. 72 of 25 May 2007) stipulates, in article 6, that businesses must be informed in writing of planned inspections not less than 10 days before the start of the inspection. As a result of this provision, it is impossible for State inspectors to identify cases involving the use of the labour of persons aged under 18 years. With a view to taking targeted measures to eradicate the worst forms of child labour, the State public health inspectorates, when inspecting facilities under their supervision, pay attention to the following points:

- Age of the workers;
- Observance of the standards on moving heavy objects set out in Ministry of Health Order No. 32 of 23 January 2006 on the implementation of the Government Decision approving maximum permissible loads for manual moving and lifting by women and by workers aged up to 18 years (No. 548 of 2 December 2005). The health and safety rules and standards (2.4.6.003-03) concerning the health and safety criteria in respect of permissible working conditions and forms of employment for adolescents in vocational training or employment;
- Organization of preventive health checks for workers;
- Identification, and prohibition, of the use of adolescent labour in harmful working conditions.

72. When breaches of health and safety legislation are identified, employers are issued with instructions on how to eliminate them. Working children and adolescents undergo preventive health checks in municipal medical institutions, pursuant to Government Decision No. 20 of 22 January 2008 on the State programme of action to eliminate the worst forms of child labour 2008–2010.

73. To give effect to the related decision of the Coordinating Commission on the Administration of the Health-Care System reporting to the Bishkek mayor's office (No. 2-1 p. 5 of 19 May 2009), the mayor's office issued Order No. 471-r of 4 September 2009 on additional measures to regulate medical care and access to education for street children and working children in the city. The Bishkek Health Department, together with the Central Internal Affairs Authority and the district administrations, organized preventive health checks for the aforementioned categories of children and adolescents.

74. In the period 2009–2012, a total of 1,402 young persons were examined and 1,329 underwent fluorographic examinations. An analysis of the preventive health checks conducted at the city's markets during the same period showed that many of the young persons (24 per cent of those examined) could not be located at their homes or workplaces by medical workers for follow-up purposes because their permanent residences were in Chüy province.

75. Lists of working children at every family medicine centre are updated quarterly by the deputy directors for children in the city's district administrations and district internal affairs offices (juvenile affairs inspectorates). The lists change each quarter; no young persons working permanently in businesses or at markets have been registered. Often, children and adolescents work for short periods (two to three months), after which they either return to school or go on the road. There are great difficulties with respect to both the medical examination of young persons in work (persuading them to be examined takes months) and their treatment other than in urgent cases. Nevertheless, this category of children is kept under observation and given medical care as necessary. Preventive health checks for working children and adolescents are conducted by medical personnel at the family medicine centre in their places of residence or workplaces.

76. In order to take targeted action to eradicate the worst forms of child labour, the State public health inspectorates, when inspecting facilities under their supervision, pay attention to the following points:

- Age of the working children;
- Observance of the standards on moving heavy objects;
- Organization of preventive health checks for workers;
- Identification, and prohibition, of the use of adolescent labour in harmful working conditions.

77. When breaches of health and safety legislation are identified, employers are issued with instructions on how to eliminate them.

Reply to the issues raised in part I, paragraph 15, of the list of issues

78. Children without parental care may be placed in families (for adoption), under tutorship (guardianship) or in foster families, or, where this is not possible, in all types of institution for orphaned children or children without parental care (educational institutions, social welfare institutions, therapeutic institutions and other similar facilities).

79. When a child is placed, his or her ethnic, religious, cultural and linguistic background must be taken into account, as well as the possibility of ensuring continuity in the child's upbringing and education.

80. In accordance with article 94, paragraph 3, of the Children's Code, in cases where a minor who has not attained the age of criminal responsibility commits an act that poses a significant threat to society or where a minor against whom alternative measures have been imposed commits a repeat offence, the child protection agency transmits the case file to a court, which decides whether the child should be placed in a special reform school.

80. Persons aged up to 18 years who commit a minor or less serious offence may be referred by a prosecutor or court, at the recommendation of the local unit of the child protection agency, to a criminal justice diversion programme.

Reply to the issues raised in part I, paragraph 16, of the list of issues

82. Courts are entitled where necessary to take measures, as provided for by law, to protect the rights and legitimate interests of child victims or witnesses, either at their own initiative or at the request of the child concerned, or his or her legal representatives or school. Such measures include instructing the internal affairs agencies in writing to take all necessary steps to protect the child's life, health, honour, dignity and property, transferring the child to the care of an appropriate facility or of the child protection agency, or placing the child in another family.

83. The Children's Code states that the expenses incurred must be met from the national budget and must be included in the court costs in the criminal case and recovered from the persons responsible, through their actions, for damaging the child's health or endangering his or her life.

84. Parents, persons in loco parentis, agencies and educational facilities and their staff entrusted with the care of children, and employees of medical and other institutions are required, when there are indications that a child has been subjected to violence, to inform the law enforcement agencies and the local unit of the child protection agency, so that appropriate action can be taken.

85. Persons who conceal cases of violence incur the penalties established by law.

86. A child subjected to violence and/or ill-treatment must, without fail, be provided with the medical, legal and psychological assistance necessary for the recovery of his or her physical health and psychological well-being and his or her further rehabilitation, in accordance with Kyrgyz legislation.

87. Parents, persons in loco parentis, officials of central and local government bodies, medical institutions, law enforcement agencies and other competent bodies are required to take all necessary measures for the recovery of the physical health and psychological well-being of children subjected to violence and/or ill-treatment and for the prosecution of the perpetrators. Persons whose failure to perform their official duties appropriately leads to further violations of a child's rights are liable to the penalties provided for by law.

88. Where there is a threat to the life or health of a child victim of violence or crime, the persons who identify the threat are obliged to ensure the placement of the child in a safe location, as determined by the child protection agency.

Reply to the issues raised in part I, paragraph 17, of the list of issues

89. According to data from the Osh province forensic medical office, a total of 48 children sustained injuries of various kinds during the mass disorder in the city of Osh and in Osh province, 37 in the city itself and 11 in Kara-Suu district. Of these children, 3 were aged up to 5 years, 6 from 5 to 14 years, and 39 from 14 to 18 years.

90. Some 1,550 children from the conflict areas in Osh and Jalal-Abad provinces received rehabilitation treatment at nine health-care facilities (Kamvolshchik, Altyn-Zheek, Tel-Toru, Orlenok, Ulan, Mayak, Barchyn, Ilim and Kelechek).

Reply to the issues raised in part I, paragraph 18, of the list of issues

91. In order to give effect to the provisions of the Convention on the Rights of the Child concerning the protection of children from sexual exploitation, sexual violence and child pornography, Kyrgyzstan has taken legislative, administrative, social and educational

measures to safeguard children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including all forms of sexual exploitation and sexual corruption, sexual abuse and child pornography, while in the care of parents, legal guardians or any other person.

92. In addition, on 12 July 2002 Kyrgyzstan became a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, of 25 May 2000, and to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, also of 25 May 2000.

93. The Criminal Code establishes criminal liability for sexual offences and offences involving pornography, including offences against minors.

94. Under Article 157 of the Criminal Code, enticement of a minor into drunkenness, use of narcotic drugs or other intoxicating substances without a doctor's prescription, prostitution, vagrancy or begging, commission of sexual acts or acts connected with the production of material or items of a pornographic nature, if committed by a person who has attained the age of 18 years, is punishable by deprivation of liberty for a period of up to 5 years, depending on the seriousness of the offence.

95. Article 9 of the Culture Act prohibits the distribution of pornography in Kyrgyzstan. As stated above, criminal liability is established for distributing pornographic items (Criminal Code, art. 262).

96. The Action Plan and Programme to Combat Trafficking in Persons 2013–2016, now under way, was approved by Government Decision No. 14 of 14 January 2013 in order to prevent trafficking in persons, including children.

97. To eliminate trafficking in Kyrgyz children without parental care who are outside the country and to protect their rights, the Ministry of Social Development drafted regulations on the return of such children to Kyrgyzstan, which were approved by Government Decision No. 571 of 21 October 2013.

Part II

Reply to the issues raised in part II, paragraph 1 (a), of the list of issues

98. A revised version of the Children's Code (No. 100) was adopted on 10 July 2012 with a view to the protection of children's rights and legitimate interests.

99. In addition, the following texts were amended, pursuant to Act No. 114 of 16 July 2012 on amendments to certain legislative acts of Kyrgyzstan, in order to align them with the Code: the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, Part I of the Civil Code, the Family Code, the Crime Prevention Act, the Local State Administrations Act and the Civil Registration Act. Furthermore, 22 laws and regulations were drafted and approved.

Reply to the issues raised in part II, paragraph 1 (b), of the list of issues

100. In accordance with Government Decision No. 169 of 19 April 2011 on issues relating to the Ministry of Social Development, the Ministry is the coordinating body in the field of child protection and implements policy concerning social protection for vulnerable categories of the population and families and children in difficulty. A Department for the Protection of Families and Children has been established within the Ministry's central machinery. The Department will focus on ensuring effective practice in the field of child

protection by drafting laws and regulations on the development of social services for families and children who find themselves in difficult circumstances and mechanisms for their application.

Reply to the issues raised in part II, paragraph 1 (c), of the list of issues

101. Implementation of the Social Protection Development Strategy 2012–2014, the purpose of which is to protect the rights of the child and provide children with social assistance, has been under way since 2011. The Strategy, approved by Government Decision No. 755 of 13 December 2011, contains comprehensive social protection measures aimed at safeguarding the rights and legitimate interests of children and families in difficulty.

102. The main goals of the Strategy are to increase access for such families and children to State social benefits and guaranteed social services oriented towards providing children with a family environment.

Reply to the issues raised in part II, paragraph 1 (d), of the list of issues

103. Kyrgyzstan became a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, adopted on 29 May 1993, by Act No. 166 of 10 August 2012 on ratification of the Convention.

Part III

Reply to the issues raised in part III, paragraph 1 (b), of the list of issues

Data, statistics and other information

104. According to data from the Osh province forensic medical office, as at 11 January 2013 the total number of children killed in the mass disorder in the city of Osh and in Osh province stood at 26, of whom 4 were aged up to 5 years, 6 from 5 to 14 years, and 16 from 14 to 18 years.

Data from the National Statistics Committee

Table 1

Number of children in residential homes for children with special needs (persons)

		including					
		Girls			*Boys*		
	Total	*4–6 years*	*7–14 years*	*15–18 years*	*4–6 years*	*7–14 years*	*15–18 years*
2010							
Kyrgyzstan	**402**	**39**	**97**	**48**	**37**	**95**	**86**
Jalal-Abad province	**95**	8	19	18	9	20	21
Talas province	**50**	7	9	5	5	6	18
Chüy province	**257**	24	69	25	23	69	47

Number of children in residential homes for children with special needs
(persons)

		including					
		Girls			*Boys*		
	Total	*4–6 years*	*7–14 years*	*15–18 years*	*4–6 years*	*7–14 years*	*15–18 years*
2011							
Kyrgyzstan	**408**	**43**	**102**	**46**	**42**	**118**	**57**
Jalal-Abad province	**95**	4	20	22	6	31	12
Talas province	**3**	6	15	4	5	13	10
Chuy province	**260**	33	67	20	31	74	35
2012							
Kyrgyzstan	**388**	**37**	**98**	**44**	**44**	**108**	**57**
Jalal-Abad province	**83**	1	16	20	2	24	20
Talas province	**50**	3	14	6	4	9	14
Chuy province	**255**	33	68	18	38	75	23

Table 2

Number of children adopted, number of children with special needs in education and number of children without parental care
(persons)

(at year-end, persons)	*2011*	*2012*
Total number of children adopted, by year	**1 065**	**797**
Including, by age:		
0–6 year-olds	613	445
7–17 year-olds	452	352
Number of inter-State adoptions, by year	**1**	**3**
Number of children with special needs in education	**4 364**	**4 149**
Of whom:		
Boys	1 839	1 782
Girls	1 236	1 236
By type of educational establishment:		
Mainstream general education schools	1 289	1 131
Schools for children with special needs	3 075	3 018
Including, by type of school:		
Primary	1 567	1 541
Basic	1 401	1 378
Secondary	107	99
Total number of children without parental care, by year	**2 787**	**2 116**
Of whom:		
Boys	1 487	1 117
Girls	1 300	999

Number of children adopted, number of children with special needs in education and number of children without parental care
(persons)

(at year-end, persons)	*2011*	*2012*
Including, by age:		
0–6 year-olds	1 088	1 020
7–17 year-olds	1 699	1 096
Number of children without parental care placed under tutorship	**2 740**	**2 176**
By type of arrangement:		
Placed in children's residential institutions	373	428
Placed in educational institutions	26	19
Placed in the care of a tutor	2 341	1 729
Number of children placed in foster families, by year	**1 690**	**1 294**
Of whom:		
Boys	865	655
Girls	825	639
Including, by age:		
0–2 year-olds	513	500
3–17 year-olds	1 177	794